



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,650	08/20/2003	Timothy A. Skunes	C34.12-0058	5482

7590 04/19/2005

Judson K. Champlin
WESTMAN, CHAMPLIN & KELLY, P.A.
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, MN 55402-3319

EXAMINER

ROJAS, OMAR R

ART UNIT PAPER NUMBER

2874

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,650

Applicant(s)

SKUNES ET AL.

Examiner

Omar Rojas

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on August 20, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0104,0204, etc.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: Detailed Action

DETAILED ACTION

Information Disclosure Statement

1. The prior art documents submitted by applicant in the five Information Disclosure Statement(s) ("IDS") filed on various dates have all been considered and made of record (note the attached copy of form(s) PTO-1449).

Specification

2. The disclosure is objected to because of the following informalities: On page 3 of the specification, in the paragraph beginning with "Figure 4", the phrase "into and optical fiber" appears to be grammatically incorrect.

Appropriate correction is required.

Claim Objections

3. Claim 12 is objected to because of the following informalities: In claim 12, the limitation "the light" lacks a clear antecedent basis. Appropriate correction is required.

4. Claim 19 is objected to because of the following informalities: In claim 19, the limitation "the socket" lacks a clear antecedent basis. Appropriate correction is required.

5. Claim 20 is objected to because of the following informalities: In claim 20, the limitation "the socket" lacks a clear antecedent basis. Appropriate correction is required.

6. Claim 25 is objected to because of the following informalities: In claim 25, the limitation "the light" lacks a clear antecedent basis. Appropriate correction is required.

7. Claim 31 is objected to because of the following informalities: Claim 31 appears grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

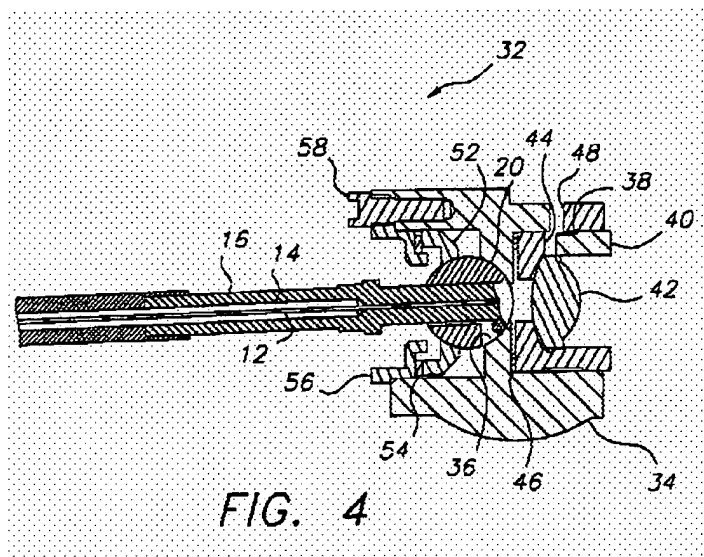
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1, 2, 5-9, 12-14, 17, 18, 20-22, and 24-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Patent No. 5,937,123 to Frelier.**

Regarding claim 1, Frelier discloses an optical alignment mount for adjusting a height of an optical component relative to a substrate (see Figure 4, reproduced below) comprising:

a component mount **20** adapted to receive an optical component **12**, the component mount having a pivot surface; and

a pivot support **34** configured to engage the pivot surface of the component mount **20** to change the height of the optical component **12** relative to the substrate (**40/64**).



Regarding claim 2, the pivot support **34** includes a **socket 36**.

Regarding claim 5, the **socket 36** comprises a hole for allowing light to pass through.

Regarding claim 6, the component mount **20** is a spherical ball.

Regarding claim 7, wherein the hole of socket 36 is chamfered to allow component mount 20 to swivel.

Regarding claims 8-9, see Frelier at column 3, lines 1-5.

Regarding claim 12, light which interacts with the optical component **12** is directed generally parallel to a plane of the substrate (40/64) as seen in Figure 4 and/or Figure 6.

Art Unit: 2874

Regarding claim 13, the light couples to another optical component **42** mounted to the substrate (40/64) .

Regarding claims 14, 17, 18, 20-22, and 24-26, the previous remarks are incorporated herein. It is further noted that the center of component mount **20** of Frelier may be considered a center of curvature and defined as a pivot point.

Regarding claim 27, Frelier also discloses an optical alignment mount for adjusting a height of an optical component **12** relative to a substrate comprising:

an optical component mount **34** adapted to receive an optical component **12** and further having a **socket 36**; and

a pivot support **20** with a curved pivot surface configured to engage the **socket 36** of the optical component **34** to change the height of the optical component **12** relative to the substrate (40/64).

Regarding claims 28-33, see the previous remarks concerning claims 1, 2, 5-9, and 12-13.

10. Claims 1, 8-11, 14-16, 21-24, 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No. 3,800,388 to Börner et al (“Börner”), provided by applicant(s) in an IDS.

Art Unit: 2874

As seen in Figs. 1-3, Börner discloses an apparatus and method for adjusting a height of an optical component (1, 2) relative to a substrate comprising:

an optical component mount (4, 5) having a cylindrical shaped pivot surface and having the optical component (1, 2) offset from the pivot point;

a pivot support (3) adapted to engage the pivot surface of the optical component mount (4, 5) to change the height of the optical component relative to a substrate (not shown). See Börner at column 2, lines 1-21.

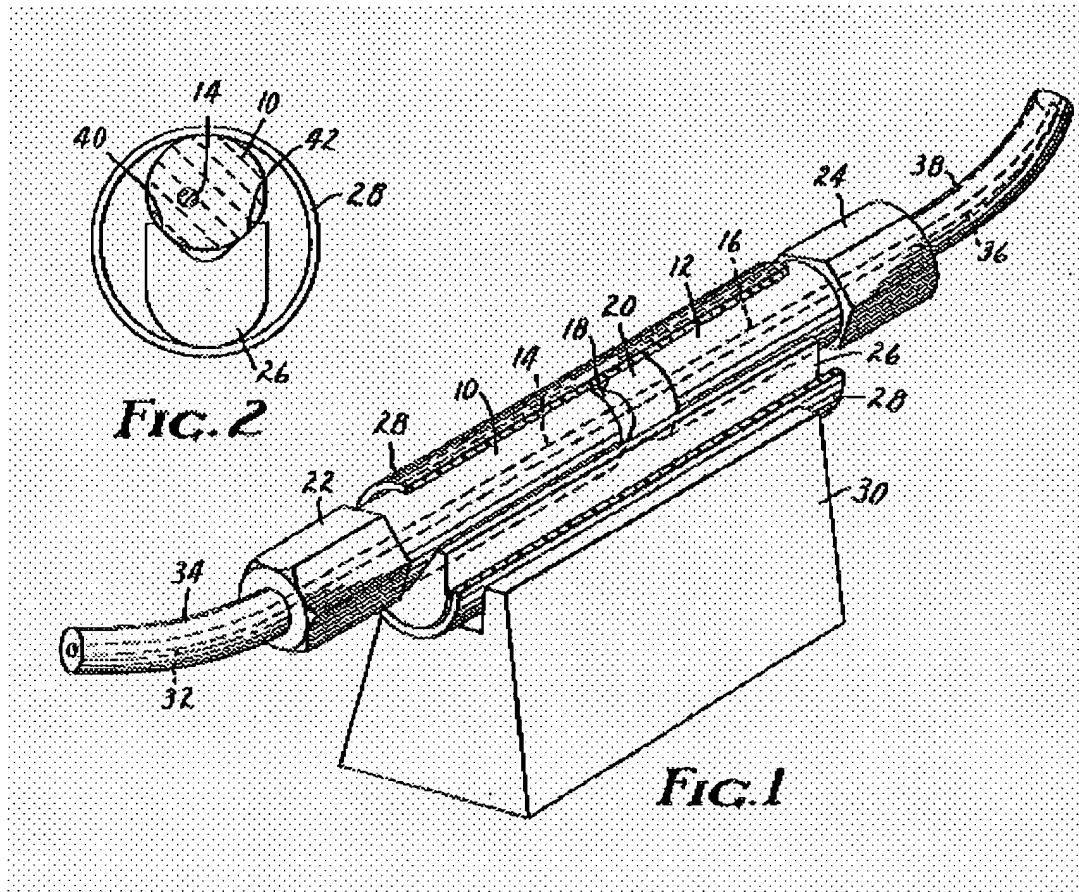
Börner further teaches that the component mount (4, 5) may be fixedly secured to the pivot support (3) using soldering, welding, or adhesive means. See column 2, lines 46-56.

11. Claims 1-4, 12-14, 18-19, 28, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0325431 to Minnesota Mining & Mfg Co. ("3M"), provided by applicant(s) in an IDS.

3M discloses:

optical component mount (10, 12) having a cylindrical shaped pivot surface and having two optical components (14,16) mounted on a substrate (30) and offset from a pivot point;

a pivot support (26) adapted to engage the pivot surface of the optical component mount (10, 12) to change the height of the optical component relative to the substrate (30). See 3M at figures 1-2, reproduced below.



As also seen in figure 2 above, the pivot support (26) includes a V-groove socket to engage the pivot surface of the component mount (10,12). As seen in Figure 1, the light couples from component 14 to component 16 in a direction parallel to a plane of substrate (30).

Conclusion

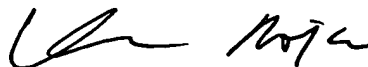
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patent No. 6,709,169 to Rossi also reads on one or more of the claims, but was not considered at this time to be particularly more relevant than the aforementioned prior art references.

Art Unit: 2874

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (7:00AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick, can be reached on (571) 272-2344. The official facsimile number for regular and After Final communications is (703) 872-9306. The examiner's RightFAX number is (571) 273-2357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Omar Rojas
Patent Examiner
Art Unit 2874

or
April 14, 2005